

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION



UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	3:06-cv-125-RLY-WGH
)	
\$9,173.00 UNITED STATES CURRENCY and)	
ONE 2002 CADILLAC ESCALADE,)	
)	
Defendants,)	
)	
and)	
)	
RICHARD CANSLER,)	
)	
Claimant.)	

ORDER ON MOTION TO COMPEL

This matter is before the Honorable William G. Hussmann, Jr., United States Magistrate Judge, on a Motion to Compel filed by Claimant, Richard Cansler, on December 6, 2007. (Docket No. 60). Plaintiff, United States of America, filed a Response on December 12, 2007. (Docket No. 61). No reply brief has been filed.

The Magistrate Judge, being duly advised, now **GRANTS, in part,** and **DENIES, in part,** the Claimant's Motion to Compel, as follows:

1. Interrogatory No. 1: The Plaintiff's objection as to relevancy is overruled, and the Motion to Compel is granted. Information concerning what Sylvia Cansler did is relevant to whether the vehicle should have been seized and whether she

has an innocent owner defense. Evidence concerning her participation or role in any manner is, therefore, relevant.

2. Interrogatory No. 2 (Supplemental): The Plaintiff's objection is sustained, and the Motion to Compel is denied.

3. Interrogatory No. 3: The Plaintiff's objection is overruled, and the Motion to Compel is granted. The location of the claimant's property (which the Magistrate Judge concludes in Interrogatory No. 3 is limited to the vehicle) and evidence concerning the chain of custody of the vehicle may be relevant to the issue of whether the vehicle was properly seized and cared for after the seizure.

4. Interrogatory No. 3 (Supplemental): The Plaintiff's objection is overruled, and the Motion to Compel is granted so long as the currency has been maintained as currency and has not been commingled or deposited into the Seized Asset Deposit Fund of the United States Marshal Service. In the event that has occurred, the date and time when such deposit was made shall be produced.

5. Interrogatory No. 4: The Plaintiff's objection is sustained, and the Motion to Compel is denied.

6. Request for Production of Documents No. 8: The Plaintiff's objection is sustained, and the Motion to Compel is denied.

7. Request for Production of Documents No. 10: The Motion to Compel is granted, in part. The United States shall produce and disclose any agreement with any witness or person who has, will, or might be called as a witness to testify in this case. In all other respects, the Motion to Compel is denied.

8. Request for Production of Documents No. 11: The Plaintiff's objection is sustained, and the Motion to Compel is denied. Federal Rule of Civil Procedure 26(e) provides rules regarding the obligations of attorneys to supplement interrogatories and requests for production when new materials are discovered after an answer has been made.


9. Request for Production of Documents No. 15: The Plaintiff's objection to this request as overly broad is sustained. The Claimant may submit an amended request for production of documents limited to requiring production of records in any cases in which Agent Langdon has seized property in Vanderburgh County, Indiana, or Henderson County, Kentucky, and in which, by agreement or court order, the property seized by Agent Langdon has been returned to a claimant during the years 2005 and 2006.

10. Request for Production of Documents No. 17: The Plaintiff's objection to this request as overly broad is sustained, and the Motion to Compel is denied.

Supplemental responses and productions as required by this Order shall be made within ten (10) business days of the date of this Order.

SO ORDERED.

Dated: December 21, 2007



WILLIAM G. HUSSMANN, JR.
Magistrate Judge

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